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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,482	09/02/2004	Mats Sagfors	P15233-US1	2818
27045	7590	05/14/2007		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER KHAN, IBRAHIM A	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/506,482	<b>Applicant(s)</b> SAGFORS, MATS	
	<b>Examiner</b> Ibrahim A. Khan	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 09/02/2004 has been considered by the examiner and made of record in the application file.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-49, 53-67 are rejected under 35 U.S.C. 102(e) as being anticipated by

**Ameigeiras et al. (US 20040052234)**

Consider **claim 44**, Ameigeiras discloses a method of load control in a radio communications system (*abstract*), the method comprising the step of:

transferring one or more signals carrying radio resource data from a radio resource management entity to a transport protocol receiver (*see figure 1, page 1, paragraph 0015 where Ameigeiras discloses a TCP sender that sends data to a user equipment through a radio network controller*).

Consider **claim 47 and 55**, Ameigeiras discloses a method of load control in a radio communications system (*abstract*), the method comprising the step of:

transferring one or more signals carrying radio resource data from a radio link control protocol layer to a transport protocol layer of a transport protocol receiver (*see page 1 and 2 paragraph 0013 where Ameigeiras discloses using an RLC layer on both sides of the air interfaces*).

Consider **claim 53**, Ameigeiras discloses a method of load control in a radio communications system (*abstract*), the method comprising the step of:

transferring one or more signals carrying radio resource data from a radio resource management entity to a transport protocol sender (*see figure 1, page 1, paragraph 0015 where Ameigeiras discloses a TCP sender that sends data to a user equipment through a radio network controller. The user equipment also sends an acknowledgment or negative acknowledgment to the TCP sender upon receiving or not receiving the data*).

Consider **claim 61**, Ameigeiras discloses a method of radio resource management in a radio communications system (*abstract*), the method comprising the step of:

transferring one or more signals carrying radio resource from a transport protocol sender to a radio resource management entity (*see figure 1, page 1, paragraph 0015 where Ameigeiras discloses a TCP sender that sends data to a user equipment through a radio network controller. The user equipment also sends an acknowledgment or negative acknowledgment to the TCP sender upon receiving or not receiving the data* ).

Consider **claim 45, 54 and 62** and as applied to claim 44, 53 and 61 respectively, Ameigeiras discloses wherein the radio resource management entity is a radio network controller (*see figure 1, page 1, paragraph 0015*).

Consider **claim 46** and as applied to claim 45, Ameigeiras discloses wherein the radio network controller controls radio resources of user equipment including said transport protocol receiver (*see figure 1, page 1, paragraph 0015 where Ameigeiras discloses a radio network controller RNC. Note that an RNC controls the use and the reliability of the radio resources.*)

Consider **claim 48 and 56** and as applied to claim 47 and 55, Ameigeiras discloses determining a transport protocol parameter on the basis of said radio resource data (*see sliding window page 1 paragraph 0008*).

Consider **claim 49 and 57** and as applied to claim 48 and 56, Ameigeiras discloses wherein the transport protocol parameter comprises a receiver advertised window or receiver maximum segment size (*see sliding window page 1 paragraphs 0008 and 0012*).

Consider **claim 58** and as applied to claim 57, Ameigeiras discloses that the sender maximum send window is the upper limit for a transport protocol congestion control send window (*see sliding window page 1 paragraphs 0008 and 0012*).

Consider **claim 59** and as applied to claim 58, Ameigeiras discloses wherein the radio resource data comprises link state information selected from the group consisting of radio link data rate (*page 1 paragraph 0008*), round-trip time (*page 1 paragraph 0006 and 0007*), block error rate (*page 2 paragraph 0017*), delay and packet loss rate.

Consider **claim 60** and as applied to claim 59, Ameigeiras discloses wherein said method provides dynamic load control (*page 2 paragraph 0017*).

Consider **claim 63** and as applied to claim 62, Ameigeiras discloses wherein radio link data rate is determined on the basis of the transferred radio resource data (*page 2 paragraph 0017*).

Consider **claim 64** and as applied to claim 63, Ameigeiras discloses wherein the radio resource data is selected from the group consisting of requested radio link data rate and data related to data amount of one or more requested data objects (*page 2 paragraph 0017*).

Consider **claim 65** and as applied to claim 64, Ameigeiras discloses wherein the transport protocol sender comprises User Equipment (*see figure 1*).

Consider **claim 66** and as applied to claim 65, Ameigeiras discloses wherein the radio network controller controls radio resources of user equipment including the transport protocol sender (*see figure 1, page 1, paragraph 0015 where Ameigeiras discloses a radio network controller RNC. Note that an RNC controls the use and the reliability of the radio resources.*).

Consider **claim 67** and as applied to claim 66, Ameigeiras discloses wherein the transport control protocol is the Transport Control Protocol, TCP, used on the Internet (*page 1 paragraph 0002*).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ameigeiras et al.** (US 20040052234) in view of **Cuny** (US 20030179720).

Consider **claim 50** and as applied to claim 49, Ameigeiras does not specifically disclose including the transport protocol parameter in a transport protocol acknowledgement to a transport protocol sender. In the related art, Cuny discloses that a mobile terminal modifies an advertised window that is sent in the acknowledgment header (*abstract, page 2 paragraph 0024*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Ameigeiras by including an advertised window update in the ACK header as disclosed by Cuny to that specifies a suitable amount of data for which the sender can transmit to avoid overflow the buffer at the receiver (*page 2 paragraph 0024*)

Consider **claim 51** and as applied to claim 50 above, Ameigeiras as modified by Cuny disclose wherein the transport protocol parameter is a parameter of congestion control in the transport protocol sender (*see Ameigeiras page 1 paragraph 0008*).

Consider **claim 52** and as applied to claim 51 above, Ameigeiras as modified by Cuny disclose wherein the transport protocol receiver comprises a User Equipment (*see figure 1*)



***Conclusion***

5. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ibrahim A. Khan whose telephone number is (571) 270-1110. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

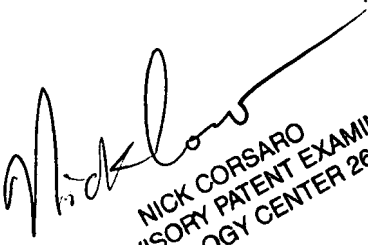
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Ibrahim A. Khan*

I.A.K./iak

05/07/2007

  
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SUPERVISORY PATENT EXAMINER  
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